

AMENDMENT TO H.R. 4979
OFFERED BY MR. BISHOP OF UTAH

Page 1, strike line 6 through page 3, line 15, and insert the following:

1 SEC. 2. DISCLAIMER OF INTEREST.

2 The Secretary hereby disclaims any right, title, and
3 interest to all Red River lands located south of the South
4 Bank of the Red River. This Act does not change or affect
5 in any manner the sovereignty rights of federally recog-
6 nized Indian tribes over lands located to the north of the
7 South Bank of the Red River. Tribal sovereignty rights
8 continue to be established and defined by controlling Fed-
9 eral law.

Page 3, line 16, strike “**QUIT CLAIM DEEDS**” and insert “**CLAIM AND/OR DEEDS**”.

Page 3, strike lines 17 through 23, and insert the following:

10 (a) **IN GENERAL.**—The Secretary shall relinquish,
11 disclaim, and shall transfer by special warranty deed all
12 right, title, and interest of the United States in and to
13 Red River lands to any claimant who demonstrates to the
14 satisfaction of the Secretary that they—

1 (1) hold all right, title, and interest under a
2 chain of title for at least 30 years from the time of
3 submission;

4 (2) have a deed recorded in the appropriate
5 county; and

6 (3) have paid all taxes assessed on the land and
7 any interest and penalties associated with any period
8 of tax delinquency.

Page 4, line 9, strike “interest.” and insert “inter-
est, including all land accreted to those lands identified
by such records by the processes of erosion and accre-
tion.”.

Page 4, line 12, strike “quit claim deed” and insert
“special warranty deed”.

Page 4, line 13, strike “120 days” and insert “180
days”.

Page 4, line 16, strike “120-day period” and insert
“180-day period”.

Page 4, after line 17, insert the following:

9 (e) REQUIREMENTS FOR DECISION.—Any final deci-
10 sion by the Secretary must contain—

11 (1) a field note description used to determine
12 the property claim, which must be—

1 (A) sufficient to locate the land on the
2 ground;

3 (B) consistent with the claimant's deed;
4 and

5 (C) include all land accreted to the claim-
6 ant by the processes of erosion and accretion;

7 (2) an accurate plat of the land that is—

8 (A) consistent with the field notes; and

9 (B) prepared by a Texas licensed State
10 land surveyor; and

11 (3) any other matters required by law or as the
12 Secretary considers appropriate consistent with the
13 provisions and intent of this Act.

Page 4, before line 18, insert the following:

14 **SEC. 4. ADMINISTRATIVE HEARING.**

15 (a) IN GENERAL.—The Secretary shall establish pro-
16 cedures for an administrative hearing—

17 (1) for a claimant to redress the final decision
18 made pursuant to section 3 regarding a claim by
19 Secretary to their property; and

20 (2) to adjudicate disputes between two or more
21 private property owners who have interest claims
22 that overlap pursuant to documents submitted under
23 section 3.

1 (b) JUDICIAL RESOLUTION.—If after the final deter-
2 mination has been issued under subsection (a) and the pri-
3 vate property owner disputes the decision, the private
4 property owner may pursue their claim via Federal district
5 court within the State of Texas.

Page 4, line 18, strike “**SEC. 4.**” and insert “**SEC.
5.**”.

Page 4, after line 23, insert the following:

6 **SEC. 6. CONSTRUCTION.**

7 Nothing in this Act shall alter—

8 (1) any present or future rights and interests of
9 the Kiowa, Comanche, and Apache Tribes and their
10 members or Indian successors-in interest;

11 (2) any tribal trust lands;

12 (3) allotted lands that may be held in trust or
13 lands subject to a Federal restriction against alien-
14 ation;

15 (4) any boundaries of lands owned by the tribes
16 and nations referred to in paragraph (1), including
17 lands referred to in paragraphs (2) and (3), pursu-
18 ant to the gradient boundary survey method; and

19 (5) the sovereign rights, jurisdiction, or other
20 governmental interests of the Kiowa, Comanche, and
21 Apache Tribes and their members or Indian succes-

1 sors-in interest presently existing or which may be
2 acknowledged by Federal and tribal law.

3 **SEC. 7. SALE OF REMAINING RED RIVER SURFACE RIGHTS.**

4 (a) **COMPETITIVE SALE OF IDENTIFIED FEDERAL**
5 **LANDS.**—After the Secretary has ensured that Red River
6 lands parcels are not subject to transfer under section 3,
7 the Secretary shall offer any and all such remaining iden-
8 tified Federal lands for disposal by competitive sale for
9 not less than fair market value as determined by an ap-
10 praisal conducted in accordance with nationally recognized
11 appraisal standards, including the Uniform Appraisal
12 Standards for Federal Land Acquisitions; and the Uni-
13 form Standards of Professional Appraisal Practice.

14 (b) **EXISTING RIGHTS.**—The sale of identified Fed-
15 eral lands under this section shall be subject to valid exist-
16 ing tribal, State, and local rights.

17 (c) **PROCEEDS OF SALE OF LANDS.**—Net proceeds
18 from the sale of identified Federal lands under this section
19 shall be used to offset any costs associated with this Act.

20 (d) **REPORT.**—Not later than 5 years after the date
21 of the enactment of this Act, the Secretary shall submit
22 to the Committee on Natural Resources of the House of
23 Representatives and the Committee on Energy and Nat-
24 ural Resources of the Senate a list of any identified Fed-

1 eral lands that have not been sold under subsection (a)
2 and the reasons such lands were not sold.

Page 4, line 24, strike “**SEC. 5.**” and insert “**SEC.
8.**”.

Page 5, line 2, strike “539-mile” and insert “116-
mile”.

Page 5, line 3, after “River” insert “from its con-
fluence with the North Fork of the Red River on the west
to the 98th meridian on the east”.

Page 5, line 4, strike “and”.

Page 5, line 7, strike the period and insert “; and”.

Page 5, after line 7, insert the following:

3 (3) the term “South Bank” means the water-
4 washed and relatively permanent elevation or accliv-
5 ity, commonly called a cut bank, along the southerly
6 or right side of the river which separates its bed
7 from the adjacent upland, whether valley or hill, and
8 usually serves to confine the waters within the bed
9 and to preserve the course of the river; as specified
10 in the fifth paragraph of the decree rendered March
11 12, 1923, in *Oklahoma v. Texas*, 261 U. S. 340, 43
12 S. Ct. 376, 67 L. Ed. 687; and

1 (4) the term “Gradient Boundary Survey”
2 means the measurement technique used to demar-
3 cate a division of ownership or jurisdiction along the
4 South Bank under the methodology established by
5 the United States Supreme Court which recognizes
6 that the boundary line between the States of Texas
7 and Oklahoma along the Red River is subject to
8 such changes as have been or may be wrought by
9 the natural and gradual processes known as erosion
10 and accretion as specified in the second, third, and
11 fourth paragraphs of the decree rendered March 12,
12 1923, in *Oklahoma v. Texas*, 261 U. S. 340, 43 S.
13 Ct. 376, 67 L. Ed. 687.

